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The Meaning of Malenkov

The West does not know when it is well off. Had the Russian Revolution like the French degenerated into a Napoleonic phase, the world would indeed have cause to tremble. The masses of Russia allied with those of China under a military despotism energized, as was France, by revolutionary social change—such a combination would be almost insuperable! It is fortunate for us that in the transition from Stalin to Malenkov, as in that from Lenin to Stalin, the civilian power emerged at the helm of the State. Once again it is the Party rather than the Army which remains at the controls, with the vast apparatus of the secret police as some check upon the military itself. Repugnant as most of us find this monolithic dictatorship, it is preferable to the emergence of a military adventurer, especially one of genius, like the great Corsican.

It is also fortunate for us that the Russian people, unlike the Germans, is basically peaceful and not susceptible to the Pied Piper of world conquest. The accents of a Bismarck, a Kaiser or a Hitler were noticeably absent from the speeches at Stalin's funeral and before the Supreme Soviet. There was no gospel of blood and iron, and none of the turgid demagogy with which Der Fuehrer bewitched the Reich. The tone was sober, the content was peaceful. The voices were those of responsible men taking over a huge State in what was obviously a well planned succession. One may like or dislike the men and the doctrine they live by but so much must be admitted by objective observation. How quickly we have forgotten the ranting and the hysterics, the saber-rattling and the tantrums, heard from Berlin before World Wars I and II! By contrast the Malenkov speech at Stalin's funeral was calm to the point of being pedestrian. Its stress was on the development of industry and agriculture at home. Its theme in foreign policy was "the Lenin-Stalin axiom that peaceful co-existence and peaceful competition between two different systems—the capitalist and the Socialist systems—is possible." This is no neurotic Hitler, no posturing Mussolini.

The most striking thing of all about these two speeches by Malenkov is their attitude toward the United States. There was not one word of ill-will toward our own country. There was none of the demagogy in which Soviet leaders have often indulged on the subject of "American warmongers," no Socialist soap-box phrases about our ruling class. In the speech before the Supreme Soviet, Malenkov specifically mentioned the United States in saying that there were no controversial issues with other nations which Moscow was not prepared to settle peacefully. A hand was extended, not a mailed fist.

What will be Eisenhower's answer to these overtures? "We have always been ready to negotiate," Anthony Eden said in his farewell speech before the Foreign Policy Association last week. "We still are." This may be a British hope. It has not been American policy. The avoidance of all negotiations, the rejection of all overtures, has been Washington's policy. The whole point of the Truman-Acheson "total diplomacy" was to substitute the buildup of arms and tension as a substitute for patient exploration. The hope was to marshal such overwhelming power as to be able to dictate virtual surrender terms to Moscow, or crush the Soviet State with one big boom. It should be clear by now that this kind of policy belongs in the comic strips with Buck Rogers, and Eisenhower has in fact indicated that he might be willing to talk.

It is a pity that at this moment we should have no Ambassador in Moscow to make deeper soundings as to Russian policy and the possibility of successful negotiations. It may be no coincidence that such Senators as Bridges, McCarthy and McCarran have chosen this moment to fight the nomination of Charles E. Bohlen for the post. These Senators are the spokesmen for those who want war. It is fantastic that a career diplomat so far to the right as Bohlen should have to have his "loyalty" defended. This is a sideshow for us boobs of the public. These Senators simply do not want an American Ambassador in Moscow at this time. They are fearful lest peace break out. This would be the death of Chiang's hopes and of the American hysteria on which their own careers depend.

This is the moment which may determine the future. The dream of building up overwhelming strength is as absurd now as in the past. We are engaged in an arms race and an arms race can lead only to war. Both sides can only impoverish each other, especially when the tools of war are as complex and expensive as the jet plane, the big bomber and the atom bomb. In such a race, the Soviet States, accustomed to much lower living standards, used to a fierce and rigid discipline, have the advantage over us. Above all it is difficult to keep a free society with free traditions in a perpetual state of tension and mobilization. It is not an accident that the momentum of the cold war is driving us toward a Fascism of our own. Only a regimented America, in which all dissent has been cowed, can be expected to bear the stepped up burdens of an atomic arms race, and to submit to the annual spring scares staged by the military and the aviation lobby, like the new bogeyman story sent out last Monday by the Alsop brothers. The price of rejecting these new peace overtures must be the further erosion of basic American freedoms. The choice is between negotiation and a road which leads to mutual destruction.

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When Is Contempt Not Contempt?

When A Big Business Lobbyist Defies A Committee

A unanimous Supreme Court last week held that Edward A. Rumely had been unjustly convicted of contempt. It ruled that a Congressional investigating committee had exceeded its powers in asking Rumely certain questions. This was the first time since 1881 that the Court had reversed a conviction for contempt on the ground that the questions asked a witness by Congressional investigators were beyond their powers.

The ruling in *U. S. v Rumely* was the first sign that the U. S. Supreme Court might intervene to help victims of such inquisitorial bodies as the House Un-American Activities Committee. Indeed Mr. Justice Frankfurter, in writing the decision, said the Court would have to be "blind" not to see that "there is wide concern, both in and out of Congress, over some aspects of the exercise of the Congressional power of investigation."

Ever since the case of the Hollywood Ten, the Court *had* managed to stay blind. It refused to hear the appeals in the Hollywood, Joint Anti-Fascist Refugee Committee and other contempt cases which raised squarely the problem of whether the House Un-American Activities Committee was violating the First Amendment.

The Rumely case is the first in which the present Court has passed on this question. The decision may prove useful. But certain astringent and fundamental observations are necessary to temper jubilation and restrain prediction. Now as so often in the past it was the danger to moneyed privilege and not to intellectual liberty which galvanized the Court into action. The story behind the decision again illustrates the Supreme Court's traditional ambivalence in dealing with the rights of property and the rights of man.

The law is that Congressional investigations are limited (1) by the Constitution and (2) by the resolutions under which they operate. These salutary principles were first laid down by the Supreme Court in 1881. The effect was to keep Congress from investigating the Jay Cooke receivership, No. 1 scandal in the financial crisis of the 70's, and to save from jail the company official who refused to produce its accounts.

The new decision is in a similar pattern. Its effect is to keep Congress from investigating the accounts of the Committee for Constitutional Government, one of big business's biggest lobbies, and to save its secretary, Edward A. Rumely, from going to jail for refusing to disclose the sources of $2,000,000 spent by the Committee. It was for this that the First Amendment was finally taken out of deep freeze.

The Rumely decision and its background show how **differently the** courts treat "subversion" when it comes from the Right. The case derived from the efforts of Congress to control lobbying. Lobbying in this context represents the effort of big moneyed men and corporations so to manipulate public opinion as to undermine democratic processes. At least as far back as 1913 President Wilson called attention to "an insidious body of tariff lobbyists" in the fight over the Underwood tariff.

There have been many investigations of lobbying. One of the most famous was the inquiry under the chairmanship of Senator (now Supreme Court Justice) Hugo Black into the lobby which tried to defeat the Utility Holding Company Act. Prize discovery: of 13,580 telegrams sent Congress from 20 different towns to protect the pending legislation on utility holding companies all but 13 were filed and paid for by utility company agents, often without consent of the person whose name was used.

The first Lobby Registration Act to contend with such evils was passed by Wisconsin in 1905 under the inspiration of the elder La Follette. His son and Congressman Mike Monroney put similar provisions into the Legislative Reorganization Act of 1946. These require the registration of lobbyists and the reporting of their financial sources. A House committee was set up in 1949 to investigate operations under this legislation. A passage from its interim report in October 1950 may serve to show the philosophy behind the inquiry. It complained that big business "organizations seeking to protect a privileged status for their members at the expense of the general welfare of all Americans use terms like 'socialism,' 'statism' and 'welfare state' to forestall rational analysis of legislative proposals which they oppose." The report said "Political freedom cannot live in an atmosphere of such hysterical oversimplification."

One of the biggest wholesalers of these "hysterical oversimplifications" is the Committee for Constitutional Government. From 1937 to 1944 it sent out some 82,000,000 pieces of literature. From 1946 to 1950 it spent some $2,000,000 fighting reforms of almost every variety from "socialized medicine" to rent control. It set up a system to avoid reporting its contributors. Rumely was cited for contempt in refusing to disclose.

Defense counsel argued that disclosure would interfere with exercise of rights guaranteed by the First Amendment. An anonymous "lady from Toledo" paid to send out 4,000 copies of John T. Flynn's *The Road Ahead*. "Surely," the defense argued in its brief, "she had a constiutional right to do this. But, if she had known that her name and address must be reported to Congress and would be sensationally publicized by a committee of Congress she might well have been deterred from making such a purchase." The brief argued that big employers had a similar right to anonymity in financing Taft-Hartley law pamphlets. "Enforced publicity . . . would inevitably deter many such employers from thus arousing antagonisms that would surely embarrass their efforts to maintain cordial relations with their employees and union organizations."

The same argument was made on behalf of the Hollywood Ten and of the Joint Anti-Fascist Refugee Committee. It was said that the House Un-American Activities Committee by pillorying persons of liberal or radical views was effectively interfering with the First Amendment by making people afraid to speak freely.

The same Circuit Court heard the same argument in both the Rumely and Joint Anti-Fascist Refugee cases. The two decisions were written by the same judge, Prettyman. He admitted "the realistic effect of public embarrassment is a powerful interference with the free expression of views." But Judge Prettyman held that in the JAFRC case "the apparent nature of the Communist party created a public necessity for congressional inquiry," while in the Rumely case "no such dangerous factors are represented to us."

The difference in attitude could not have been confessed more baldly. The effect was to protect rightists fighting social reform while leaving unprotected those fighting to change the status quo.

While new forms of registration and exposure are being imposed on Leftists, the registration provisions of the Lobby Act are faring badly in the courts. Twice in the past year, once on appeal by the National Association of Manufacturers and again on appeal by a New York cotton broker, Federal Judge Alexander Holtzoff has declared the Lobbying Act unconstitutional. So deep is the animus against registering lobbyists that a court even threw out the one indictment of a Left lobbyist, William Patterson, of the Civil Rights Congress.

The Supreme Court must soon pass on the decisions holding the Lobbying Act unconstitutional. In the Rumely decision the majority, speaking through Mr. Justice Frankfurter, moved warily. It freed Rumely on a finely split hair, holding that the activities he declined to disclose were only "indirect" lobbying and therefore beyond the authority of the investigating committee.

Mr. Justice Douglas agreed that Rumely should go free but protested for himself and Mr. Justice Black that the conviction should have been upset on First Amendment grounds. They argued that if the government could demand that a publisher disclose the purchasers of his books, "the spectre of a government agent will look over the shoulder of everyone who reads."

But to accept the reasoning of the minority would be to protect the poor man's advocate as well as the rich man's hired lobbyist. It remains to be seen whether a majority of the Court is prepared to go that far.

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• *Editor and Publisher*, I. F. STONE

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What Churchmen Could Do

Washington, D. C.

Though the House Un-American Activities Committee has shelved any plans its chairman, Velde, may have had to investigate the churches, we see no reason why the churches should not go ahead and investigate Velde and the House Committee. Instead of limiting themselves to resolutions of protest, churchmen in various communities could perform a work of charity by setting up local boards to hear victims of the current witch-hunts, whether Velde's, Jenner's or McCarthy's.

These committees operate on a hit-and-run basis. They execute first and investigate, if at all, later. Any slander which serves to make a headline is good enough for them. There is need for unofficial local hearing bodies which might at least give the victims a chance to tell their side of the story, and to put their life and work in fuller context and perspective. A board made up of respected churchmen might serve a function of this kind admirably. There are many situations in which school superintendents and others might be able to defy the witch-hunters if they could mobilize some counterbalancing forces of this kind.

On a national basis, the time is overripe for the establishment of a commission of leading churchmen to report on the excesses and abuses which have marked the witch hunt since the House Committee began its activities almost two decades ago. The distortions, perjuries and flim-flam deserve to be recorded and analyzed. Unless the churches investigate Velde, Jenner and McCarthy, they will sooner or later begin investigating the churches. The *gleichshaltung* now under way in American life will not be complete until the pulpit, too, has been frightened into silence.

As the Rev. Dr. Russell Cartwright Stroup said last Sunday at the Georgetown Presbyterian Church in Washington in a sermon aimed at his fellow clergymen, "It is foolish if we imagine that liberty is divisible; that our freedom as ministers will somehow be preserved when the freedom of laymen is threatened. It is suicidal for us to keep silent until our ox is gored. . . . If it is permissible for the state to persecute opinion in the college it is permissible to persecute opinion in the church."

Visa Denied

If V., J. and Mc C. were really looking for saboteurs of American policy in the State Department, they ought to dig out the men responsible for the decision to deny a visa to Sidney Silverman. This doughty little Labor Party battler was to have addressed a Rosenberg clemency dinner at the Hotel Capitol in New York last Wednesday, but at press time there was still no last-minute miracle in sight which might get him there. The exact legal grounds are not clear, even under the McCarran-Walter Act. Silverman is a Laborite, not a Communist. The denial of a visa will do the Rosenberg cause more good than a speech by Silverman, eloquent though he may be. The case is still page one news in Western Europe and the refusal of a visa to a respected British M.P. will make new headlines. These may yet help to save the Rosenbergs. The longer clemency is denied, the less credit we will get for it, the more it will seem to be a grudging move, extorted by foreign pressure.

Not A Secret Police?

Dr. Douglas Southall Freeman, the distinguished historian and editor, came up from Richmond last week to speak at the Advertising Club in Washington and delivered himself of some shrewd observations on events foreign and domestic, including a warning against "what Elihu Root called 'government by suspicion." One remark he made, however, deserves an exception. He said "it is remarkable that the FBI, despite all the temptations, never became a secret police."

Just what Dr. Freeman meant by this is not clear. The FBI's powers fortunately are nowhere near as extensive as the secret police of Russia or of pre-war Fascist Germany, Italy and Japan. But it operates in secret. It engages in surveillance of political affairs. It gathers dossiers on all kinds of citizens, including many of very moderate liberal views. It has the power to destroy reputation and livelihood in all those growing areas where "loyalty" and "security" clearance are now needed, from private business scientific laboratories to jobs on the waterfront. It has the privilege of keeping its informants anonymous and of not disclosing the content of secret information to accused persons or even to their judges. This is certainly acting as a secret police, or what the Japanese called a "thought police."

Good Deed

At the risk of losing some of those new votes in Texas, the Eisenhower Administration through Attorney General Brownell has asked the Supreme Court to reverse a recent pro Jim Crow decision by the Circuit Court of Appeals for the District of Columbia (see "Jim Crow in The Capital" in the *Weekly* for January 31). At the risk of ruining the Attorney General with the Rightists and die-hards of his own party, the *Weekly* commends him for it.

Best News of The Week

Best news of the week on the civil liberties front was the Supreme Court's announcement that it will review the Bridges case. The labor leader the government has been trying to deport for 18 years still has a fighting chance. The *Weekly* will publish an article on the case in an early issue.

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The Case of The Cooperative Teacher

The Voice of America last year asked Dr. Julius H. Hlavaty to make a broadcast in his native tongue, Slovak. He thought this might endanger relatives in the old country but agreed. He gave his services free. The script was prepared for him. It dealt with the Bronx High School of Science where Dr. Hlavaty is head of the mathematics department.

Someone in the Czechoslovak colony in New York disliked the idea of a broadcast by Dr. Hlavaty. A letter was sent Senator McCarthy. Last week Dr. Hlavaty came home one evening to hear that Roy M. Cohn, counsel to the McCarthy committee, had just phoned. Dr. Hlavaty was ordered to appear next morning at a hearing in Washington.

Now Dr. Hlavaty, gray-haired, thin-faced, distinguished looking, was before the committee. The exposure of New York City school teachers is no longer a sensation, and there were only a few spectators in the big Senate caucus room. Though the turnout was poor, the Senators did their best, like good troupers, to put on a performance. Dirksen, who relishes himself as a golden-voiced orator, was as deceptively dulcet as an Inquisitor about to consign a suspected heretic to the secular arm for slow broiling. McCarthy, in that cavernous marble-walled room, seemed to enjoy sounding like the Voice of Doom in a soap opera.

McCarthy wanted to know whether Dr. Hlavaty was "aware" that the Liberal Party in New York had broken away from the American Labor Party. Dr. Hlavaty was aware of it. McCarthy wanted to know whether he was aware that the ALP had been cited as subversive. Dr. Hlavaty was not aware of it. The ALP is not on the Attorney General's list. It soon appeared that McCarthy was referring to an obscure "citation" by the Tenney committee in California. Was Dr. Hlavaty aware that the ALP was Communist dominated? Dr. Havaty seemed to assent. Triumphantly McCarthy asked him to identify two documents. These showed that Dr. Hlavaty and his wife had registered ALP in last year's election.

As an exploit in entrapment, this was good Senatorial sport. It was not clear just what it had to do with the Voice of America. A Senator wanted to know if the example set by Dr. Hlavaty's registration might not subvert his students. Dr. Hlavaty tried to explain that he thought election registrations were a private matter. Perhaps the ALP was lugged in because at the morning session Dr. Hlavaty had denied present or recent membership in the Communist party but pleaded the Fifth amendment for 1948.

Symington of Missouri seemed to think the committee's jurisdiction extended to theology. "As a good American," he asked Dr. Hlavaty, "do you believe in God?" The mathematics teacher said he did. At one point Dirksen went off on a weird tangent. He wanted to know whether Dr. Hlavaty had been identified on the broadcast. He had been. Then Dirksen wanted to know what if the Voice had broadcast Earl Browder? Would this not encourage Communists abroad? "Were you," Dirksen asked pointedly, "known in Czechoslovakia?" Dr. Hlavaty said if he were known at all it was only as a poor boy who left in 1921 and became head of the mathematics department in a famous American high school. Dr. Hlavaty said he thought this was good propaganda for America. Dirksen desisted.

It was only toward the end of the hearing, on intervention by Senator McClellan, that Dr. Hlavaty was finally allowed to explain just how he came to make the broadcast. But McCarthy would not let him read the transcript into the record. McCarthy said the committee knew there was no Communist propaganda in the broadcast. If so, why had Dr. Hlavaty been called? Cohn jumped in to remedy the effect of McCarthy's admission. He asked Dr. Hlavaty whether there was anything *anti-Communist* in the broadcast. Hlavaty admitted there wasn't.

It was painful to watch. There was no allegation of wrongdoing. A teacher was being ruined because he had done a favor for a government agency. A committee sated with victims took him apart indifferently, like a small boy taking the wings off a beetle. Dr. Hlavaty has been in this country 32 years. He has been a teacher for 24. He has a national reputation as a teacher of mathematics. He is one of the best loved teachers on the faculty of the Bronx High School of Science. His chances to avoid dismissal are slight unless students and parents organize to support him.

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